IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.17911 of 1999

Dated: 13-04-2007

Between:

1. Smt. G. Vijaya Deepak Kumar, w/o G. Deepak Kumar and 11 others.

... Petitioners

and

1. The District Collector, R. R. District, Lakdikapul, Hyderabad and another.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioners state that they are the absolute owners of their respective plots situated in Sy.Nos.371 to 374 at Attapur village, Rajendranagar Mandal, Rangareddy District. They have obtained a layout, sanctioned by the Gram Panchayat, Attapur in 1985 and plots were made on the basis of the sanctioned layout, and it is only

thereafter the plots were sold to them and they have constructed houses. As second respondent, without following due process of law, has been threatening that they would demolish the houses in question stating that the houses were constructed in Government land, they filed the present writ petition seeking a *mandamus* to direct respondents to act in accordance with law, and not to take steps for demolition of the house properties of petitioners in their respective plots.

3. A counter affidavit is filed wherein it is stated that the adjacent land situated in S.No.370, belongs to the Government and under the guise of making constructions in their respective plots, petitioners are encroaching into Sy.No.370.

4. Admittedly, petitioners are the absolute owners of the plots situated in Sy.Nos.371 to 374 of Attapur village and so long as the constructions are made in those two survey numbers, respondents have no authority whatsoever to interfere with their possession. If at all, petitioners have really encroached into Sy.No.370, which is a Government land, under the guise of making constructions in Sy.Nos.371 to 374, respondents have every right to interfere with the said constructions. So long as the constructions are restricted to Sy.Nos.371 to 374, the authorities have no right to interfere with petitioners' peaceful possession insofar as those survey numbers are concerned.

5. Accordingly, the writ petition is allowed directing respondents not to interfere with the construction activity of petitioners made in their plots in Sy.Nos.371 to 374 of Attapur village. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.13-04-2007
GLV